

Applicant: Trinh et al.
Serial No.: 10/632,415
Group Art Unit: 2873

PATENT
Docket No.: 10-9404

REMARKS

This Amendment is filed in response to the Office Action dated March 29, 2005. In this Amendment, claims 1, 9, 14, 16 and 18 are amended. Claims 6, 12, and 17 are canceled. No new matter has been added by way of these amendments. Upon entry of this amendment, claims 1-5, 7-11, 13-16, and 18-21 shall be pending.

In the Final Office Action, various objections and claim rejections have been asserted against claims 1-21. For at least the reasons set forth below, these rejections and objections are hereby traversed. Moreover, it is respectfully submitted that this Amendment resolves all remaining issues, thus placing all pending claims in condition for allowance. Hence, it is submitted that entry of this Amendment is proper.

Telephonic Interview

The Applicant greatly appreciates the telephonic interview with the Examiner and her Supervisor conducted on July 7, 2005. Several amendments to the claims were discussed during this interview in connection with the cited prior art, namely, US 6,355,104 to Polster.

More specifically, it was discussed to include a time limitation for holding the lens above the bath in the independent claims. This is a stark contradistinction to Polster, which advocates quickly pulling the lens from the bath in order to break any meniscus that may form.

The Supervisor and Examiner appeared to indicate that an amendment of this nature would overcome the current rejection and place the claims into a condition for allowance (pending an update search). Accordingly, the Applicant has amended the claims to require a time limitation of 10 seconds for holding the

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lens above the solution while maintaining a meniscus. This limitation has support in the specification at paragraph [0056]. Furthermore, all of the amendments made herein address this limitation. No amendments have been made that may require additional searching.

Claim Rejections under 35 USC § 102(e)

The Examiner rejected claims 1-2, 6-10, and 12-15, and 18-21, of which claims 1, 9, 14, and 18 are independent, under 35 USC § 102(e) as being anticipated by U.S. Patent No. 6,355,104 to *Polster*. For at least the reasons set forth below, these rejections are hereby traversed.

Amended claim 1 recites a method that includes holding the optical element above the coating solution bath for at least 10 seconds while maintaining the meniscus between the optical element and the bath. *Polster* fails to teach at least this portion of claim 1. Indeed, *Polster* teaches away from doing so. For example, at Column 8 lines 38-42 of *Polster* it is stated that, "At the end of the treatment, when the article is just out of the treatment bath, a quick jump made up of a series of quick steps may be made in the raising of the article to break off any meniscus attached to the article." Hence, *Polster* is suggesting avoiding a meniscus by minimizing the time that a meniscus forms between the optical element and the bath. Accordingly, the advantageous wicking of the present invention is not achieved with *Polster*.

Turning to claim 9, claim 9 recites a method that includes maintaining a touching of a bottom portion of the eye element with the coating solution for a predetermined period of time, no less than 10 seconds, sufficient to effect a wicking of excess solution from the element. As cited above, *Polster* teaches away from any such touching and maintaining of the coating solution with the bottom portion of the eye element at Column 8 lines 39-42. Hence, as with

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respect to claim 1, *Polster* cannot provide the advantageous wicking of excess solution from the element.

Turning to claim 14, claim 14 recites an eye lens wherein the coating is free of a visually observable light wedge due to the coating solution being wicked from an edge of the lens substrate for at least 10 seconds through a meniscus created between said coating and said edge of said lens substrate at the conclusion of said dip coating method. As discussed above, *Polster* teaches away from this prolonged wicking step.

Turning finally to claim 18, claim 18 recites a method of dip coating optical elements including the step of holding the element above the surface of the bath for a predetermined period of time no less than 10 seconds sufficient to effect wicking of excess solution from the element to the bath through the meniscus. For the same reasons given above, claim 18, as amended, avoids *Polster*.

In view of the foregoing, the Applicant respectfully submits that the rejections of claims 1-2, 7-10, 13-15, and 18-21 under 35 U.S.C. § 102(e) cannot be properly maintained and that the rejections should be withdrawn.

Rejections under § 103

The Examiner has rejected independent Claim 16 as being unpatentable over *Polster*. As the Examiner admits, *Polster* does not specifically disclose that the coating in *Polster* has a visible light transmission differential from a top to a bottom of the lens substrate of approximately 1.5% as in claim 16 yet nonetheless asserts that this would be obvious to achieve in the *Polster* process. Like the other independent claims, the Applicant has amended claim 16 to include the requirement that the coating be applied by dip coating including dipping an optical element into a coating; withdrawing the optical element from

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the coating solution; and creating a meniscus between the optical element and the coating solution while the optical element is above the coating solution so as to allow capillary forces to wick off a desired amount of the coating solution from the optical lens for at least 10 seconds. Thus, *Polster* is avoided as *Polster* teaches away from a wicking prolonged wicking process. The Applicant respectfully submits that the rejection of claim 16 is hereby traversed.

Dependent Claims

Claims 2-5, 7-8, 10-11, 13, 15 and 19-21 each variously depend either directly or indirectly from independent claims 1, 9, 14, 16, and 18. They have also been variously rejected under 35 U.S.C. § 102 and or 103 based on *Polster* alone or in combination with U.S. Patent No. 4,291,097 to *Kamada et al.* For at least the reasons set forth above, these claims are also submitted as being patentable. However, these claims further define and describe the invention and thus are separately patentable.

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CONCLUSION

In view of the foregoing, it is submitted that all claims pending after entry of this amendment (namely, claims 1-5, 7-11, 13-16, and 18-21) are in condition for allowance. Hence, entry of this Amendment is proper and is earnestly requested.

If any questions or issues arise that are more easily addressed by the Examiner through direct communication with the undersigned, the Examiner is cordially to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

Dated: 7/29/05



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